

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RACHEL DELAPLAINE,

Plaintiff,

v.

CITY OF VANCOUVER and JOHN
STEIGLEDER and GEZELLE STEIGLEDER,
husband and wife,

Defendants.

Case No. C05-5387FDB

ORDER DENYING MOTION TO
DISMISS FOR FAILURE TO
PROSECUTE

The Complaint in this civil rights action was filed June 8, 2005. A joint status report was due October 14, 2005. Defendant City of Vancouver filed a motion to dismiss on November 28, 2005 for failure to prosecute, noting it for December 9, 2005. Also on November 28, 2005, Plaintiff moved for an extension of time, citing communications problems with the individual defendants, which the Court granted, continuing the JSR to December 30, 2005.

On December 21, 2005 Plaintiff filed a Notice of Intent To Default John and Gezelle Steigleder by January 6, 2006 unless they appeared and answered in this case. Also, on December 21, 2005 Plaintiff filed a response to the City's motion to dismiss.


On December 22, 2005, the Steigleder's attorney filed a notice of appearance and Answer.

1 Plaintiff again moved for an extension of time in which to file JSR on December 29, 2005,
2 and the Court ordered the parties to file a Joint Status Report by January 15, 2006 or be prepared to
3 show cause why they have failed to do so. The Joint Status Report was filed January 27, 2006.

4 At this time, no sanctions will be imposed for failure to timely file the JSR. Counsel,
5 however, and most particularly Plaintiff's counsel, are reminded that the Court's orders, including
6 those setting action dates are not mere suggestions. Failure to timely abide this Court's orders in the
7 future may result in sanctions, including dismissal. ACCORDINGLY,

8 IT IS ORDERED: Defendant City of Vancouver's Motion to Dismiss [Dkt. # 13] is
9 DENIED.

10 DATED this 6th day of February, 2006.

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13 FRANKLIN D. BURGESS
14 UNITED STATES DISTRICT JUDGE
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